

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
David A. Monroe, et al	)	Group Art Unit: 2616
	)	
Serial No.: 09/143,232	)	Examiner: Robert Chevalier
	)	
Filed: August 28, 1998	)	Atty. Dkt. No.: 121817.002.022 (683553.0038)
	)	
For: MULTIFUNCTIONAL REMOTE	)	Confirmation No. 9130
CONTROL SYSTEM FOR AUDIO	)	
RECORDING, CAPTURE,	)	
TRANSMISSION AND PLAYBACK	)	
OF FULL MOTION AND STILL IMAGES)	)	

**FAX RECEIVED****OCT 04 2006****OFFICE OF PETITIONS**

**PETITION TO WITHDRAW FROM ISSUE UNDER 37 C.F.R. § 1.313(c)(2)**  
**(ISSUE FEE PAID)**

Applicant hereby requests that the above application, in which the issue fee was paid on June 23, 2006, be withdrawn from issue in order to consider the Request for Continued Examination (RCE) and Information Disclosure Statement being submitted herewith. In support of this Petition, Applicant submits:

(a) The Commissioner is hereby authorized to charge the Petition fee of \$130 to Deposit Account No. 01-0477; and

(b) The following showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

The withdrawal of the application from issue is necessary in order to consider the prior art references submitted with Applicant's Information Disclosure Statement mailed on July 5, 2006. That IDS was considered non-compliant due to the lack of a statement under 37 C.F.R. 1.97(e), which cannot be made. The IDS is being resubmitted under a Request for Continued Examination as permitted by 37 CFR §§ 1.97(b)(4) and 1.114(c).

Also, pursuant to 37 C.F.R. § 1.313(d), Applicant requests prompt consideration of the present petition as the above application is expected to issue soon. Accordingly, this Petition and the accompanying Request for Continued Examination and Information Disclosure Statement (Forms PTO/SB/08A – Sheets 1-8) are being submitted via facsimile transmission, with the hard

10/05/2006 CKHLOK 00000010 010477 09143232

01 FC:1464 130.00 DA

683553.0038 WEST 5976595 v1

copy being filed concurrently herewith, enclosing the required copies of the prior art listed on Forms PTO/SB/08A.

In view of the above, grant of this Petition to withdraw the application from issue, and consideration of the RCE request and Information Disclosure Statement are respectfully solicited.

Respectfully submitted,

Kirt S. O'Neill  
Kirt S. O'Neill, Reg. 38,257

Date: October 4, 2006

AKIN GUMP STRAUSS HAUER & FELD, LLP  
P.O. Box 12870  
San Antonio, Texas 78212  
Telephone: (210) 281-7106  
Facsimile: (210) 224-2035

**Certificate of Facsimile Transmission**

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office at (571) 273-0025 on the date shown below.

Oct. 4, 2006  
Date

Kirt S. O'Neill  
Kirt S. O'Neill

**Certificate of Mailing**

I hereby certify that this correspondence is being mailed via first-class mail, postage prepaid, to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Oct. 4, 2006  
Date

Kirt S. O'Neill  
Kirt S. O'Neill

**AKIN GUMP  
STRAUSS HAUER & FELD LLP**

Attorneys at Law

**FAX TRANSMISSION****October 4, 2006**

---

To	Company	Fax	Phone
Patent Petitions	U.S. Patent Office	571.273.0025	571.272.3282

---

**From:** Kirt S. O'Neill  
**Total Pages:** 11  
**Direct Dial:** 210.281.7106  
**Re:** U.S. Patent Application Serial No. 09/143,232  
**Message:**

**FAX RECEIVED****OCT 04 2006****OFFICE OF PETITIONS**

683553.003X/012003

Floor: 15

☐ Return fax via Interoffice Mail

Sender's email: koneill@akingump.com

Secretary: Kyra Lloyd

☐ Hold fax for pickup

Sender's fax: 1.210.224.2035

Ext: 47078

Fax Operation Verification: \_\_\_\_\_

The information contained in this facsimile message is attorney-client privileged and confidential, and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us by mail at the address below.

300 Convent Street, Suite 1500 / San Antonio, Texas 78205-3732 / 210.281.7000 / fax: 210.224.2035 / akingump.com